

AMENDED IN SENATE MAY 7, 2013  
AMENDED IN SENATE APRIL 16, 2013  
AMENDED IN SENATE APRIL 2, 2013

**SENATE BILL**

**No. 454**

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**Introduced by Senator Corbett**

February 21, 2013

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An act to add Chapter 8.7 (commencing with Section 44268) to Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 454, as amended, Corbett. Public resources: electric vehicle charging stations.

Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, that authorizes, among other things, upon appropriation by the Legislature, a grant program to provide funding for homeowners who purchase a plug-in electric vehicle to offset costs associated with modifying electrical sources that ~~includes~~ *include* a residential plug-in electric vehicle charging station.

Existing law also creates a grant program for the purchase and lease of zero-emission vehicles, as defined, in the state; to be developed and administered by the State Air Resources Board; in conjunction with the commission. The program provides grants to specified recipients in an amount equal to 90% of the incremental cost above \$1,000 of an eligible new zero-emission light-duty car or truck, as defined.

This bill would create the Electric Vehicle Charging Stations Open Access Act ~~that~~, *which* would prohibit the charging of a subscription

fee on persons desiring to use an electric vehicle charging station, as defined, and would prohibit a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified. The bill would, however, authorize an electric vehicle charging station to require additional network roaming charges for nonmembers if those charges are disclosed to the public at the point of sale. The bill would require an electric vehicle charging station to provide to the general public 2 specified options of payment.

The

*This bill would require all persons that provide electric vehicle charging services to disclose to the public and the ~~commission~~ state board the station's geographic location, a schedule of fees, accepted methods of payment, and the amount of network roaming charges for nonmembers, if any. The bill would authorize the ~~commission~~ state board to provide this information to the National Renewable Energy Laboratory, to other governmental entities, or to software application developers for the purpose of compiling it and providing the information to the public. The bill would also authorize the ~~commission~~ state board to release the information directly to the public.*

The

*This bill would also require the ~~commission~~ state board, on or after January 1, 2015, to adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations, and would require, if the ~~commission~~ state board adopts standards, all electric vehicle charging stations that require payment to meet those standards within one year. The bill *also* would require the ~~Department of Consumer Affairs~~ state board to maintain a toll-free telephone number and email address or an Internet Web site to collect consumer complaints regarding violations of these provisions. The bill would authorize the ~~department~~ state board to respond to consumer complaints and would require the ~~department~~ state board to summarize those complaints by number and type of complaint and make the summary available to the public annually.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) California is the nation’s largest market for cars and light-duty trucks.

(b) The transportation sector is the biggest contributor to California’s greenhouse gas emissions and accounts for approximately 40 percent of these emissions.

(c) California should encourage the development and success of zero-emission vehicles to protect the environment, stimulate economic growth, and improve the quality of life in the state.

(d) California should encourage and support the development of infrastructure for open and accessible public charging stations.

(e) In order to reach the goal of 1.5 million electric drive vehicles in California by 2025, electric vehicle (EV) consumers need confidence that they can access a robust network of EV charging stations. Any EV driver should be able to access any publicly available charging station, regardless of the system provider.

(f) EV consumers and drivers need to be able to find the stations and know how much they cost.

(g) It is the intent of the Legislature to (1) promote a positive driving experience by assisting in the widespread deployment of electric vehicles, (2) not limit the ability of a property owner or lessor of public parking spaces, as defined in Section 44268, to restrict use or access of those parking spaces to customers, and (3) facilitate EV driver access to all electric vehicle charging stations in public places.

SEC. 2. Chapter 8.7 (commencing with Section 44268) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 8.7. ELECTRIC VEHICLE CHARGING STATIONS OPEN  
ACCESS ACT

44268. As used in this chapter, the following terms have the following meanings:

(a) “Battery” means an electrochemical energy storage system powered directly by electrical current.

(b) “Battery charging station” means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

(c) “Electric vehicle” means a vehicle that uses a plug-in battery to provide all or part of the motive power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

(d) “Electric vehicle charging station” means one or more public parking spaces served by a battery charging station.

(e) “Interoperability standards” means the ability for a member of one electric charging station network to use another network.

(f) “Network roaming” means the act of a member of one electric charging station network using a charging station that is outside of the member’s network with his or her network account information.

(g) “Public parking space” means a parking space that is available to, and accessible by, the public and includes on-street parking spaces, parking spaces in surface lots or parking garages, and designated visitor parking spaces in a private business parking lot. “Public parking spaces” shall not include a parking space that is part of, or associated with, a private residence or a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, residents of a common interest development, or residents of an adjacent building. Nothing in this article limits the ability of an owner or lessor of a parking space whose primary business is other than electric vehicle charging from restricting use of the parking space to customers of the business.

44268.2. (a) (1) Persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station. Use of an electric vehicle charging station may require additional network roaming charges for nonmembers if those charges are disclosed to the public at the point of sale. An electric vehicle charging station that requires payment of a fee shall allow a person desiring to use the station to pay via credit card or mobile technology, or both.

1 (2) Notwithstanding paragraph (1), an electric vehicle charging  
2 station may offer services on a subscription- or membership-only  
3 basis provided those electric vehicle charging stations allow  
4 nonsubscribers or nonmembers the ability to use the electric vehicle  
5 charging station through the payment options detailed in paragraph  
6 (1).

7 (b) The provider of an electric vehicle charging station that is  
8 accessible to the public shall disclose to the public and the ~~State~~  
9 ~~Energy Resources Conservation and Development Commission~~  
10 ~~state board~~ the station's geographic location, a schedule of fees ,  
11 accepted methods of payment, and the amount of network roaming  
12 charges for nonmembers, if any. The ~~commission~~ ~~state board~~ may  
13 provide this information to the National Renewable Energy  
14 Laboratory, to other governmental entities, or to software  
15 application developers for the purpose of compiling it and  
16 providing the information to the public. The ~~commission~~ ~~state~~  
17 ~~board~~ may also release the information directly to the public.

18 (c) Electric vehicle charging stations shall be labeled in  
19 accordance with Part 309 of Title 16 of the Code of Federal  
20 Regulations, and, where commercially reasonable and feasible,  
21 *shall* be clearly marked with appropriate directional signage in the  
22 parking area or facility where they are located.

23 (d) On or after January 1, 2015, the ~~commission~~ ~~state board~~  
24 may adopt interoperability billing standards for network roaming  
25 payment methods for electric vehicle charging stations. If the  
26 ~~commission~~ ~~state board~~ adopts interoperability billing standards,  
27 all electric vehicle charging stations that require payment shall  
28 meet those standards within one year. The ~~commission~~ ~~state board~~  
29 shall consider other governmental or industry-developed  
30 interoperability billing standards and may adopt interoperability  
31 standards promulgated by an outside authoritative body.

32 (e) The ~~Department of Consumer Affairs~~ ~~state board~~ shall  
33 maintain a toll-free telephone number and email address or an  
34 Internet Web site to collect consumer complaints regarding  
35 violations of this section. The ~~department~~ ~~state board~~ may respond  
36 to complaints. The ~~department~~ ~~state board~~ shall summarize the  
37 complaints by number and type of complaint and make the  
38 summary available to the public annually.

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